

REMARKS

In this Response to Restriction and Species Election Requirements and Preliminary Amendment, Applicant has amended claims 1, 13, 24 and 33, and cancelled claims 42-53. Applicant respectfully requests that these claim amendments be entered prior to substantive examination of this application. Claims 1-41 will be pending in this application upon entry of these amendments.

Restriction Requirement

Claims 1-53 have been restricted under 35 U.S.C. § 121 as follows:

Group I. Claims 1-41, which the Examiner stated is drawn to a method/device for receiving stay-alive signals classified in class 607, subclass 30; and

Group II. Claims 42-53, which the Examiner stated is drawn to a method device for sending stay-alive signals, classified in class 607, subclass 32.

Applicant hereby elects Group I without traverse. Applicant has cancelled claims 42-53 of non-elected Group II.

Election of Species Requirement

Claims 1-41 are also subject to an election of species under 35 U.S.C. § 121 as follows:

Species I: Changing the mode of operation by suspending therapy;

Species II: Changing the mode of operation by directing the implantable medical device to perform a power-on reset;

Species III: Changing the mode of operation by providing a program to control the delivery of therapy; and

Species IV: Changing the mode of operation by causing the implantable medical device to revert to a previously stored program.

Applicant hereby elects Species IV without traverse. Applicant submits that claims 1-4, 8-14, 18-25, 28-34 and 38-41 read on Species IV.

CONCLUSION

All pending claims are believed to be in condition for allowance. No fee is believed to be due in association with the filing of this Response to Restriction and Election Requirements and Preliminary Amendment. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

8/18/06

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